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FLAGSTAR BANK, FSB

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

AM-GSR HOLDINGS, LLC, a Nevada limited
liability company,

Plaintiff,

vs.

DARREN HUNG TRUONG, and FLAGSTAR
BANK, FSB,

Defendants.

CASE NO. 3:17-cv-344-RCJ-VPC

JOINT STATUS REPORT

Defendant Flagstar Bank, FSB ("Flagstar") and Plaintiff AM-GSR Holdings, LLC, submit their joint status report, as order by this Court June 2, 2017 Minute Order. See ECF 3.

1. Status of Action: Plaintiff filed its Complaint on January 30, 2017. Plaintiff did not effectuate service of the Complaint; rather, on April 18, 2017, Plaintiff filed a First Amended Complaint ("Amended Complaint"). Plaintiff effectuated service of the Amended Complaint on Flagstar by serving Flagstar's resident agent with a copy of the Summons and Amended Complaint on May 9, 2017.

Plaintiff is a Nevada limited liability Company. Plaintiff's principal place of business is in Washoe County, Nevada, and Plaintiff's sole member, Alex Meruelo, is a resident of Washoe

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County, Nevada. Flagstar Bank, FSB (“Flagstar”) is a federally chartered bank. Its main office is in Michigan. It is a Michigan citizen. See 28 U.S.C. §1348; see also Wachovia Bank v. Schmidt, 546 U.S. 303, 307 (2006). Defendant, Darren Hung Truong (“Truong”) is a borrower of Flagstar. Flagstar’s business records identify Truong as utilizing a mailing address in San Jose, California. As such, Truong is a California resident. Accordingly, there is complete diversity of citizenship among the parties.

The subject matter of the Complaint involves title to real property. Truong bought the property located at 2500 E 2nd St., Unit 1875, Reno, Nevada (the “Property”) on or about February 14, 2007. See ECF 1-4. Truong originally borrowed \$180,070, secured by a first position deed of trust, which was recorded against the Property. See ECF 1-5. Truong also borrowed \$36,014, secured by a second position deed of trust. See ECF 1-6. On May 22, 2007, Truong refinanced his purchase money loans with a loan from Flagstar in the amount of \$218,200. See ECF 1-7.

Plaintiff’s claim for relief is for quiet title. ECF 1-2 at ¶¶50-63. Plaintiff seeks a judicial declaration that the Flagstar deed of trust was extinguished because of an alleged HOA non-judicial foreclosure sale. Id. The amount in controversy in this action exceeds \$75,000 as the property that is the subject of this litigation is worth more than \$75,000.

On June 1, 2017, Flagstar filed its Petition for Removal on the basis of diversity jurisdiction. See ECF 1.

On June 1, 2017, Flagstar filed its Answer to Plaintiff’s Amended Complaint. See ECF 2.

Defendant Truong has not appeared in this matter.

On June 14, 2017, counsel for the Plaintiff and Flagstar participated in a telephonic conference to discuss issues required by LR 26-1(b) and FRCP 26(f).

On June 28, 2017, counsel for Plaintiff and Flagstar filed a Stipulated Discovery Plan and Proposed Scheduling Order.

2. Actions to be Taken by the Court: The Court should review the Stipulated Discovery Plan and Proposed Scheduling Order. The Court has entered an Order Setting Case

1 Management Conference for July 26, 2017, at 9:30 a.m.

2 **3. Matters not submitted with the Notice of Removal:** None.

3
4 Dated this 3rd day of July, 2017

Dated this 3rd day of July, 2017

5 **COHEN JOHNSON PARKER EDWARDS**

KOLESAR & LEATHAM

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Kolesar & Leatham, and that on the 3rd day of July, 2017, I caused to be served a true and correct copy of foregoing **JOINT STATUS REPORT** in the following manner:

(ELECTRONIC SERVICE) Pursuant to Rule 5-4 of the Local Rules of Civil Practice of the United States District Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electric Filing automatically generated by that Court's facilities.

(UNITED STATES MAIL) By depositing a copy of the above-referenced document for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, to the parties listed below at their last-known mailing addresses, on the date above written:

Darren Hung Truong
PO Box 610444,
San Jose, CA 95161

/s/ Cindy Kishi
An Employee of KOLESAR & LEATHAM